

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY ALBERT BAGGETT,

Plaintiff,

v.

CITY OF FRESNO, *et al.*,

Defendants.

No. 1:24-cv-01024-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO PROSECUTE

Doc. 11

Plaintiff Anthony Albert Baggett is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 6, 2024, plaintiff initiated this action in the Sacramento Division of the United States District Court for the Eastern District of California. Docs. 1, 2. The case was transferred to the Fresno Division on August 28, 2024, and new case documents were issued by the Fresno Division the same date. Docs. 6, 7. On August 29, 2024, the assigned magistrate judge issued an order striking plaintiff's first amended complaint for lack of signature and directing plaintiff to file a signed first amended complaint within thirty days. Doc. 8. The assigned magistrate judge also issued an order granting plaintiff's motions to proceed in forma pauperis. Doc. 9. On September 11, 2024, the Court's August 29, 2024 orders directing Plaintiff to file a signed first amended complaint and granting Plaintiff's motions to proceed in forma pauperis were returned as "Undeliverable, Return to Sender, Not at Facility." On September 13, 2024, the Fresno

1 Division new case documents were returned as “Undeliverable, Not at Facility.” More than sixty-
2 three days passed, and plaintiff did not file a notice of change of address or otherwise
3 communicate with the Court as required by Local Rule 183(b).

4 Accordingly, on December 2, 2024, the assigned magistrate judge issued findings and
5 recommendations recommending dismissal of this action, without prejudice, for failure to
6 prosecute. Doc. 11. The findings and recommendations were served on plaintiff and contained
7 notice that any objections thereto were to be filed within fourteen days after service. *Id.* at 3.
8 Plaintiff did not file any objections, and the deadline to do so has passed. To date, plaintiff has
9 not otherwise communicated with the Court or updated his address.

10 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
11 the case. Having carefully reviewed the file, the Court concludes that the findings and
12 recommendations are supported by the record and proper analysis.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The findings and recommendations issued on December 2, 2024, Doc. 11, are adopted in
15 full;
16 2. This action is dismissed, without prejudice, for failure to prosecute; and
17 3. The Clerk of the Court is directed to close this case.

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20 IT IS SO ORDERED.

21 Dated: December 31, 2024

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UNITED STATES DISTRICT JUDGE